



General Assembly

**Substitute Bill No. 547**

January Session, 2009

\* SB00547PD 031709 \*

**AN ACT AUTHORIZING THE ACQUISITION OF ABANDONED  
CEMETERIES BY MUNICIPALITIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For the purpose of this  
2 section, "abandoned cemetery" means a cemetery (1) in which no  
3 burial has occurred during the previous forty years and in which the  
4 lots or graves have not been maintained during the previous ten years  
5 except for maintenance rendered by the municipality in which such  
6 cemetery is located, or (2) in which one burial has occurred in the past  
7 forty years, a permit was issued under section 7-65 of the general  
8 statutes after such burial and there is one surviving owner of the  
9 family plot.

10 (b) Any municipality may acquire an abandoned cemetery,  
11 including ownership of any unoccupied lots or grave sites in such  
12 cemetery. Such municipality may cause a survey of such cemetery to  
13 be completed in order to ascertain the extent of such cemetery. The  
14 municipality shall use due diligence in identifying any owners of the  
15 abandoned cemetery or any of the cemetery's unoccupied lots or grave  
16 sites and shall provide notice to such owners of the municipality's  
17 intention to acquire the abandoned cemetery. In the event that a  
18 municipality is unable to locate such an owner, the municipality shall  
19 publish notice of its intention to acquire the abandoned cemetery in a

20 newspaper having a general circulation in such municipality. Such  
21 notice shall be published for a period of three successive weeks.

22 (c) The notice described in subsection (b) of this section shall give a  
23 basic description of the abandoned cemetery, by reference to the  
24 municipality's tax maps, and shall set a date and place where  
25 objections to the acquisition of the cemetery by the municipality will be  
26 heard.

27 (d) Any owner who receives notice pursuant to subsection (b) of this  
28 section may reassert his or her right of ownership over the abandoned  
29 cemetery, unoccupied lot or grave site, as applicable, by sending  
30 written notice of his or her objection to the municipality not later than  
31 fourteen days after his or her receipt of notice pursuant to subsection  
32 (b) of this section. Any owner who reasserts his or her rights pursuant  
33 to this subsection shall promptly comply with all municipal ordinances  
34 concerning such abandoned cemetery, unoccupied lot or grave site.

35 (e) In the event that no objection is received by the municipality  
36 pursuant to subsection (d) of this section not later than fifteen days  
37 after the last date of publication of the notice described in subsections  
38 (b) and (c) of this section, title to such abandoned cemetery and any  
39 unoccupied lots or graves shall vest in such municipality. Whenever  
40 title vests in a municipality pursuant to this subsection, such  
41 municipality shall record a confirmation of such vesting, including a  
42 basic description of the cemetery, on the land records of the  
43 municipality in which such cemetery is located.

44 (f) If title to an abandoned cemetery vests with a municipality  
45 pursuant to subsection (e) of this section, such municipality shall  
46 maintain title to such cemetery, shall not transfer title to such  
47 cemetery, and shall maintain the characteristics of such cemetery and  
48 make no changes in the use of such cemetery land.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>from passage</i>	New section
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**Statement of Legislative Commissioners:**

In subdivision (2) the phrase "expost facto permit" was deleted and replaced with "a permit was issued under section 7-65 of the general statutes after such burial and" for clarity and in subsection (f), the phrase "For any such cemetery, the municipality that gains title pursuant to subsection (e) of this section" was deleted as redundant.

**PD**        *Joint Favorable Subst.-LCO*